

Testimony of John MacDonald
Representing the City of Missoula
House Taxation Committee. Jan. 22, 2008
HB249

EXHIBIT 6
DATE 1-22-09
HB 249

Mr. Chairman, members of the Committee,

My name is John MacDonald and I am here today representing the city of Missoula.

I am here specifically at the request of Missoula's Open Space Program Manager, Jackie Corday, who wanted to attend this hearing but had a commitment she could not break.

The city of Missoula strongly opposes House Bill 249. Quite honestly, we are perplexed as to the reasons for it.

The city of Missoula, like many growing communities around the state, struggles almost daily with land-use and growth issues.

There are landowners in Missoula who wish to sell their property for development purposes. There are other landowners who wish to see their property remain as it is -- undeveloped farmland, or forest land or wildlife habitat.

Sometimes the choice is hard -- because developers are often willing to spend great amounts of money for property they want to develop.

Conservation easements are a way for WILLING landowners to keep their land as they want. Their taxes on the land do not get reduced when they enter a conservation easement. The open lands statute that created conservation easement authority ensures that won't happen.

Through Open Space bonds approved by voters, the Missoula community has been able to help compensate WILLING landowners who chose to keep their land open for farming, forestlands, and wildlife habitat with a conservation easement. The easements are usually granted to land trusts such as Five Valleys Land Trust, but sometimes it is the City itself that holds the conservation easement.

So what would this bill do? It would unfairly tax the same piece of land twice. The landowner would continue to pay the full property tax amount -- and the holder of the easement would also pay. Thus, the City of Missoula and Missoula County, which are both holders of conservation easements, would have to pay taxes for those easements in addition to the taxes paid by the property owner

It makes no sense. It is unfair and we believe it is likely unconstitutional.
We respectfully ask that you vote "Do Not Pass" on House Bill 249